

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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STEPHEN J. TOPALIAN,

Civ. Act. No.: 10-cv-1965 (KAM) (VVP)

Plaintiff,

-against-

**NOTICE OF MOTION**

HARTFORD LIFE INSURANCE COMPANY,

Defendant.

DOCUMENT  
**ELECTRONICALLY FILED**

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**PLEASE TAKE NOTICE** that, upon the Declaration of Genie M. Guthrie dated February 22, 2012 and the exhibits annexed thereto, the Declaration of Bruce Luddy dated February 23, 2012, the Declaration of Michael H. Bernstein, Esq. dated February 29, 2012, the Rule 56.1 Statement of Material Facts, and Memorandum of Law in support, all simultaneously submitted herewith, defendant, HARTFORD LIFE INSURANCE COMPANY (“Hartford”), by its attorneys, Sedgwick LLP, will move this Court, on a date and at a time set by the Court, before the Hon. Kiyo A. Matsumoto, U.S.D.J., at the United States District Courthouse for the Eastern District Of New York, 225 Cadman Plaza East, Courtroom N4E, Brooklyn, New York 11201 for an Order pursuant to Rule 56, FED. R. CIV. PROC., granting summary judgment and dismissing plaintiff’s Complaint, which seeks relief under the Employee Retirement Income Security Act of 1974 (“ERISA”) §502(a)(1)(B), 29 U.S.C. §1132(a)(1)(B), with prejudice on the grounds that Hartford’s decision to deny his claim for continuing long-term disability benefits under the governing ERISA plan was not arbitrary and capricious and for such other and further relief this Court deems just and proper.

This Court granted leave to the parties to file their respective motions for summary judgment by Order dated January 3, 2012. (Doc. No. 47).

Dated: New York, New York  
February 29, 2012

Respectfully Submitted,

s/

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MICHAEL H. BERNSTEIN (MB 0579)

JOHN T. SEYBERT (JS 5014)

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(SDMA File No. 02489-000082)

***Attorneys for Defendant***

HARTFORD LIFE INSURANCE COMPANY

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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I, DANIEL M. MEIER, hereby certify and affirm that a true and correct copy of the attached **NOTICE OF MOTION** was served **via email** and **via FedEx** on February 29, 2012, upon the following:

Michael E. Quiat Esq.  
Uscher, Quiat, Uscher & Russo  
433 Hackensack Avenue, 2d Floor  
Hackensack NJ 07601  
Business Phone: (201) 342-7100  
Business E-mail: mquiat@uqur.com

Dated: New York, New York  
February 29, 2012

s/\_\_\_\_\_  
DANIEL M. MEIER (DM 2833)